

United States District Court

For the Northern District of California

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

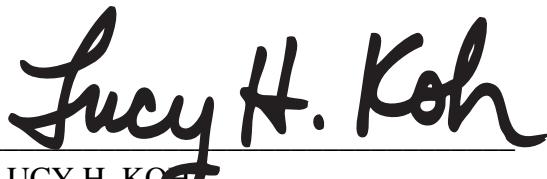
This case was on appeal but was remanded by the Ninth Circuit Court of Appeals on May 23, 2014. ECF No. 35, Ninth Circuit Docket, Case No. 13-17102. In its remand order, the Ninth Circuit Appellate Commissioner held that the appeal was “remanded to the district court for the limited purpose of enabling the district court to consider the motion to expand the district court record to include the expert report of Bob Zeidman and Lawrence Melling that was lodged with and reviewed by the district court in ruling on the parties’ motions for summary judgment.” *Id.* at 2. The Commissioner also held that “[t]he motion to unseal documents that were filed under seal in the district court pursuant to a protective order is denied without prejudice to renewal after seeking leave from the district court to unseal the documents.” *Id.* The “motion to unseal” was meant to refer to Plaintiff’s unopposed motion at the Ninth Circuit to unseal documents Plaintiff intended to

1 include in its Supplemental Excerpts of Record on appeal. ECF No. 32, Ninth Circuit Docket, Case
2 No. 13-17102.

3 The parties are hereby ordered to file a stipulation and proposed order to expand the district
4 court record to include the expert report of Bob Zeidman and Lawrence Melling by June 4, 2014 at
5 noon. Plaintiff is also ordered to file a motion for leave to unseal any documents Plaintiff wants
6 unsealed by June 4, 2014 at noon.

7
8 **IT IS SO ORDERED.**

9 Dated: May 27, 2014

10 
11 LUCY H. KOH
12 United States District Judge